

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

LARRY WIGGINS,

Plaintiff,

v.

BUNGEE OF NORTH AMERICA, INC.,

Defendant.

Case No. 07-cv-157-DRH

ORDER

HERNDON, District Judge:

This personal injury suit was removed to federal court on the basis of diversity jurisdiction, **28 U.S.C. § 1332**. Plaintiff has filed a Motion to Remand (Doc. 8) asserting that Defendant's removal was "untimely and defective" under **28 U.S.C. § 1446** in that Defendant did not remove this case within 30 days from being served the Complaint and Summons. Defendant has not opposed this Motion to Remand. In accordance with the Court's Local Civil Rule 7.1(c), Defendant's silence may be considered an admission of the merits of Plaintiff's Motion. Thus, the Court accepts Plaintiff's assertions of defective removal as true. Accordingly, pursuant to **28 U.S.C. § 1447**, Plaintiff's Motion to Remand (Doc. 8) is **GRANTED**. This case is hereby **REMANDED** to the Circuit Court of Alexander County, Illinois.

IT IS SO ORDERED.

Signed this 19th day of June, 2007.

/s/ David RHerndon
United States District Judge